

REMARKS

Claims 1-7 are pending in the application with Claims 1, 6 and 7 being independent claims. The Examiner rejected Claims 1-7 under 35 U.S.C. §103(a) as being unpatentable over *Yi* (US 2002/0114280 A1) in view of *Jiang* (US 6,687,248 B2) and *Herrmann* (US 7,050,415 B2).

Reconsideration of the present application is respectfully requested.

Please amend Claims 1 and 4-7 as set forth herein.

Regarding the rejection of independent Claims 1, 6 and 7 under 35 U.S.C. §103(a), the Examiner states that *Yi* in view of *Jiang* and *Herrmann* renders the claims unpatentable. After reviewing *Yi* (in particular, see paragraphs [0027]-[0043]) in view of *Jiang* and *Herrmann* (in particular, see column 4, line 54-column 6, line 51), it is respectfully submitted that the Examiner is incorrect.

More specifically, *Yi* discloses a measurement of the traffic volume of the transport channel in order to perform the radio bearer reconfiguration. *Yi* discloses basic measurement information as a measurement control message, such as a desired measurement mode etc. (in particular, see paragraphs [0029] and [0041]-[0043]), but does not disclose "...transmitting from a radio resource control (RRC) layer both transport format set (TFS) information and transport format combination set (TFCS) information during a channel initialization ...", as recited in amended Claims 1 and 6. The MAC layer in *Yi* selects a proper transport format combination (TFC) by using the amount of Data protocol data units (Data PDUs) stored in the buffer of each RLC entity and the amount of Control protocol data units (Control PDUs) informed by an RLC layer, not the measurement information sent by an RRC layer (in particular, see paragraph [0031]). Accordingly, contrary to the examiner's assertions, *Yi* does not disclose "...selecting at a medium access control (MAC) layer an initial TFC by preferentially allocating a maximum packet data unit (PDU) value to a transmission channel on which a logic channel having a relatively high priority among a plurality of transmission channels has been mapped, wherein said allocation is initially achieved by analyzing the received TFS information and the TFCS information and

transmitting from the MAC layer to a radio link control (RLC) layer the selected maximum packet data unit (PDU) value as an initial-PDU value including respective logic channels by allocating the initial PDU value according to the initial TFC to the respective logic channels before receiving buffer occupancy information from the radio link control (RLC) layer...”, as recited in amended Claims 1 and 6. Further, it is respectfully submitted that neither *Jiang* nor *Herrmann* cures the deficiencies of *Yi*. Therefore, it is respectfully submitted that that amended Claims 1 and 6 are allowable over *Yi* in view of *Jiang* and *Herrmann*.

Additionally, it is respectfully submitted that that amended Claim 7 is allowable over *Yi* in view of *Jiang* and *Herrmann* because of the above-described reasons as Claims 1 and 6.

Because the above arguments are believed to place amended independent Claims 1, 6 and 7 in condition for allowance, then, at least because of their dependence on these claims respectively, dependent Claims 2-5 are also in condition for allowance.

Claims 1-7 are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,



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